
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FRANK LOUIS SINDAR,

Petitioner,

vs.

EVAN A. NEBEKER,

Respondent.

**MEMORANDUM DECISION
& ORDER**

Case No. 2:09CV307DAK

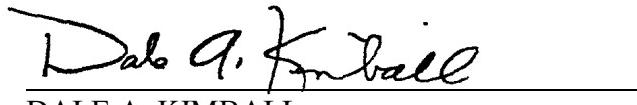
This matter is before the court on Pro-Se Petitioner Frank Louis Sindar's "Petition for Writ of Mandamus." Petitioner seeks a writ of mandamus ordering the Utah Supreme Court to proceed with a malfeasance complaint entitled *Sindar v. Nebeker*. Petitioner does not assert a specific jurisdictional basis for bringing his Petition for Mandamus in this court. The court must presume that this writ is brought pursuant to the All Writs Act, 28 U.S.C. § 1651(a).

The Tenth Circuit Court of Appeals, however, has held that a federal district court does not have jurisdiction to direct a state court to perform its duty. *White v. Ward*, 145 F.3d 1139, 1140 (10th Cir. 1998). Moreover, review of a final state court judgment may be had only in the United States Supreme Court. See *Lance v. Dennis*, 546 U.S. 459 (2006); *District of Columbia Court of Appeals v. Feldman*, 46 U.S. 462, 482 (1983).

Therefore, this court lacks jurisdiction to issue a writ of mandamus to the Utah Supreme Court and cannot review its actions. Accordingly, Petitioner's petition for writ of mandamus is DENIED. Because this court lacks jurisdiction in this matter, Petitioner's Motion for Severance of Defendants is also DENIED. The Clerk of Court is directed to close this case in its entirety.

DATED this 18th day of June, 2009.

BY THE COURT:



DALE A. KIMBALL
United States District Judge